

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DWAYNE WILLIAMS and KARLA  
VARGAS,

Plaintiff,

v.

ABC LLC d/b/a KIDS EMPIRE and  
HAIM ELBAZ,

Defendants.

No: 2:22-cv-05327-EP-JSA

**Notice of Motion and  
Certification of Service**

**Date and Location:** October 17, 2022, as soon the motion may be heard at the United States District Court for the District of New Jersey at the Martin Luther King Federal Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey 07101.

**Order Sought:** Remanding this case back to the Superior Court of New Jersey.

**Supporting Documents:** 1. Proposed order.

**Oral Argument:** Not requested at this time.

**Statement Why No Brief Is Necessary Pursuant To L. Civ. R. 7.1(d)(4)**

Here, Plaintiffs are seeking to have this matter remanded back to state court, for lack of subject matter jurisdiction per Rule 12(b)(1). *See* 28 U.S.C. § 1447(c) (permitting remand for lack of subject-matter jurisdiction at any time before final judgment). The abbreviated nature of this argument does not warrant a full motion brief.

Defendants have the burden to prove subject-matter jurisdiction. *See Pascack Valley Hosp. v. Local 464A UFCW Welfare Reimbursement Plan*, 388 F.3d 393, 401 (3d Cir. 2004). The burden is high, as “[r]emoval statutes are to be strictly construed against removal and all doubts should be resolved in favor of remand.” *A.S. ex rel. Miller v. SmithKline Beecham Corp.*, 769 F.3d 204, 208, 212 (3d Cir. 2014) (internal cites and quotes omitted).

Defendants’ sole basis for removal is diversity jurisdiction. [DE 1-2]. For this Court to have diversity jurisdiction, Defendants must prove that “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs ....” 28 U.S.C. § 1447(a). However, Defendants have neither alleged, nor offered any proof, that the matter in controversy exceeds the sum or value of \$75,000.

**Certification of Service**

I certify that on the date signed below, I electronically filed the attached documents with the clerk of court using the CM/ECF system, which will send notice of electronic filing to the attorneys of record.

Dated: 9/12/22

/s/ Jordan B. Dascal

Jordan B. Dascal, Esq.  
Dascal Law LLC  
350 Springfield Ave, Ste 200  
Summit, NJ 07901  
T: (732) 930-1110  
F: (732) 307-6952  
[jordan@dascallaw.com](mailto:jordan@dascallaw.com)  
Attorney for Plaintiffs